

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.173 and 455B.197, the Environmental Protection Commission hereby amends Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and Chapter 63, "Monitoring, Analytical and Reporting Requirements," Iowa Administrative Code.

Chapters 62 and 63 were recently amended by the rule making designated **ARC 7625B**. The amendments were approved by the Commission on February 17, 2009, and were published under Notice of Intended Action in the March 11, 2009, Iowa Administrative Bulletin. On April 8, 2009, the Administrative Rules Review Committee unanimously placed a 70-day delay on the effective date of portions of **ARC 7625B**. This adopted rule making addresses some of the issues that contributed to the 70-day delay. Based upon public comment and internal review, the Department has determined that additional revisions are appropriate at this time.

The adopted amendment to subrule 62.8(2) is designed to address new technical data received by the Department from the United States Environmental Protection Agency indicating that the methodology set forth in the Department's "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004, for establishing *E. coli* effluent limits is not supported by the technical data upon which the methodology is intended to be based.

The adopted amendment to Table II of Chapter 63 is intended to reduce the burden on smaller communities in regard to nutrient monitoring requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 3, 2009, as **ARC 7813B**. One public hearing was held with notice of the hearing sent to various individuals, organizations, and associations, and to statewide news network organizations. Comments were received from six persons and organizations. A responsiveness summary addressing the comments may be obtained from the Department of Natural Resources. The amendments have not been modified from those published under Notice.

Additional information on the Department's rules can be found on the Department's Web site at <http://www.iowadnr.gov/water/npdes/rulemaking.html>.

These amendments are intended to implement Iowa Code sections 455B.173, 455B.197 and 455B.105(11).

These amendments shall become effective October 14, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 62.8(2) as follows:

62.8(2) *Effluent limitations necessary to meet water quality standards.* No effluent, alone or in combination with the effluent of other sources, shall cause a violation of any applicable water quality standard. When it is found that a discharge that would comply with applicable effluent standards in 567—62.3(455B), 567—62.4(455B) or 567—62.5(455B) or effluent limitations in 567—62.6(455B) would cause a violation of water quality standards, the discharge will be required to meet the water quality-based effluent limits (WQBELs) necessary to achieve the applicable water quality standards as established in 567—Chapter 61. Any such effluent limit shall be derived from the calculated waste load allocation, as described in "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004, or the waste load allocation as required by a total maximum daily load, whichever is more stringent. The translation of waste load allocations to WQBELs shall use Iowa permit derivation methods, as described in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004, except that the daily sample maximum criteria for *E. coli* set forth in Part E of the "Supporting Document for Iowa Water Quality Management Plans" shall not be used as an end-of-pipe permit limitation.

ITEM 2. Amend **567—Chapter 63**, Table II, as follows:

Table II Minimum Self-Monitoring in Permits for Organic Waste Dischargers
Continuous Discharge Wastewater Treatment Plants

Wastewater Parameter	Sampling Location	Sample Type ^{3,11}	Frequency by P.E. ^{1,6}						
			≤ 100	101-500	501-1,000	1,001-3,000	3,001-15,000	15,001-105,000	> 105,000
Flow ²	Raw or Final	24-Hr Total	1/week	Daily	Daily	Daily	Daily	Daily	Daily
BOD ₅	Raw	24-Hr Comp.	1/6 Months	1/3 Months	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily
CBOD ₅	Final	24-Hr Comp.	1/3 Months	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily
Total Suspended Solids (TSS)	Raw	24-Hr Comp.	1/6 Months	1/3 Months	1/Month	1/2 Weeks	1/Week	2-5/Week ⁵	Daily
	Final	24-Hr Comp.	1/3 Months	1/3 Months	1/Month	1/2 Weeks	1/Week	2-5/Week ⁵	Daily
Ammonia Nitrogen ¹⁰	Final	24-Hr Comp.	1/Month	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily
TKN ⁸	Raw	24-Hr Comp.	—	—	—	1/3 Months —	1/Month	1/Month	1/2 Weeks
Total Nitrogen ⁹	Final	24-Hr Comp.	—	—	—	1/3 Months —	1/3 Months	1/2 Months	1/2 Months
Total Phosphorus ⁹	Final	24-Hr Comp.	—	—	—	1/3 Months —	1/3 Months	1/2 Months	1/2 Months
pH	Raw	Grab	—	—	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily
	Final	Grab	1/3 Months	1/Month	1/Week	1/Week	2/Week	5/Week	Daily
<i>E. coli</i> ^{4,7}	Final	Grab	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months	5 samples, 1/3 Months
Temperature	Raw	Grab	—	—	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily
	Final	Grab	1/3 Months	1/Month	1/Week	1/Week	2/Week	2-5/Week ⁵	Daily

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/9/09.